

The Watchman and Southron.

THE SUMTER WATCHMAN, Established April, 1880.

"Be Just and Fear not—Let all the ends Thou Aims't at be thy Country's, Thy God's and Truth's."

THE TRUE SOUTHRON, Established June, 1880

Consolidated Aug. 2, 1881.

SUMTER, S. C., SATURDAY, SEPTEMBER 25, 1909

New Series—Vol. XXX. No. 9

The Watchman and Southron.

Published Wednesday and Saturday
—BY—
OSTEEN PUBLISHING COMPANY
SUMTER, S. C.

Terms:
\$1.50 per annum—in advance.
Advertisements:
One square first insertion.....\$1.00
Every subsequent insertion......50
Contracts for three months, or
longer will be made at reduced rates.
All communications which sub-
scribe private interests will be charged
for an advertisement.
Obituaries and tributes of respects
will be charged for.

DR. COOK LANDS.

NO REPRESENTATIVE OF NATION,
STATE OR CITY TO MEET HIM.

Pole Explorer, Back From the Top of
The World Via Europe, Says He
Has Not Come Home to Argue But
To Prove His Claim of Success.

New York, Sept. 21.—"I have come
from the pole. I have brought my
story and my data with me. I have
not come home to enter into argu-
ments with one man or with fifty men,
but I am here to present a clear rec-
ord of a piece of work over which I
have a right to display a certain
amount of pride.

"I am willing to abide by the final
verdict of competent judges. That
is all I can satisfy me and the public.
Furthermore, not only will my re-
port be before you in black and white,
but I will also bring to America hu-
man witnesses to prove that I have
been to the pole."

Such is the substance of the first
message Dr. Frederick A. Cook
brought home in person to America
today, answering his critics the world
over.

Dr. Cook this morning the ex-
plorer, who had been in the Arctic
Club of America, but leaving Fire Island
shortly after midnight she nosed her
way into quarantine at an hour too
early for everybody but Dr. Cook.

There was an anxious wait at quar-
antine while the tugs bobbed nervously
about, the newspaper men on board
shouting queries through megaphones
at the black sides of the Oscar II,
high above them.

A speck in the distance began to as-
sume dimensions. Presently it was
recognizable as the tug bearing Mrs.
Cook and her two daughters. Quickly
the tug came alongside, and while the
heavy swell running ground her feen-
ders against the plates of her big sis-
ter, Dr. Cook clambered nimbly down
Jacob's ladder, and with no concern
for the cameras trained on him, made
a rush for his wife. For the moment
he even missed the children, who
stood a few feet away, until his wife
silently led him to them. Then, as he
lifted his youngest daughter there to
his shoulder, the silent watching
crowd that lined the rails of the Oscar
II broke into a storm of cheers.

As Dr. Cook finally stepped ashore,
it was noticeable that no representa-
tive of the nation, the State, nor the
city was there to greet him. Bird S.
Coler, president of the Borough of
Brooklyn, had welcomed him on the
Grand Republic for that Borough, but
the city of New York sent no official
representative. But sincere and en-
thusiastic to the point of tumultuous-
ness, his welcome may be described
as a neighborly affair, devoid of of-
ficial significance.

ANDERSON EMBEZZLEMENT CASES.

Anderson, Sept. 22.—Because the
auditors have not finished checking
the books of the Orr cotton mills, the
indictments against Calhoun Harris,
former secretary and assistant treas-
urer, will not be considered at the
term of general sessions now sitting
here, but will come up at the next
session of this court. It will be re-
called that Harris was arrested
several weeks ago when it was an-
nounced that a shortage of about
\$50,000 existed in the office of the
mills. Harris is out on bond and still
maintains that he has not misappropri-
ated any funds of the mills.

Nor will anything be done at this
term of court in regard to J. T. Holle-
man, former cashier of the Bank of
Anderson, who defaulted approxi-
mately \$37,000, and who absconded.
No warrant has been issued for his
arrest, and his whereabouts are un-
known here. His friends and the
bank officials have been doing every-
thing in their power to get a trace of
him.

DISPENSARY TRIAL BEGINS.

CASE AGAINST JAMES FARNUM
CALLED AT COLUMBIA.

Most Interesting Testimony Given
Yesterday was that of Cashier of
Chester Bank, who Stated that a
Marked \$100 Bill Tendered Henry
Samuels in Payment of Draft was
Returned for Deposit by J. B.
Wylie.

Columbia, Sept. 21.—Declaring
that out of idle curiosity he had
marked one of the hundred dollar
bills tendered Henry Samuels, in pay-
ment of a draft Sept. 15, 1906, and
that this bill was returned for deposit
returned for deposit by J. B. Wylie,
along with bills to the amount of \$1-
120, Robert Gage, cashier of the
Commercial Bank, of Chester, wit-
ness for the State in the Farnum
case, sprang the first sensation of the
alleged graft trails in the Court of
Sessions this afternoon. The State
announced before calling Mr. Gage
to the stand that it would connect
this testimony with the accused. This
transaction is in line with the charge
in the indictment that the defendant
sent Samuels the draft for \$1,125 to
be paid to J. B. Wylie, who was then
a member of the State Board of Con-
trol. The testimony of Mr. Gage was
the most important of the opening
day's happenings in the case of the
State against James S. Farnum, which
is now being tried.

Contrary to all expectations the
selection of a jury to try this case oc-
cupied but a short while. From the
time the trial Judge announced that
the empanelling of the jury should
begin, until the last juror had been
sworn and took his seat was only 18
minutes. This is very probably the
record in cases of such a grave na-
ture as the one now in court, and
was a complete surprise to all who
had kept up with the preliminary
fight in the case.

Only sixteen jurors were called
and the panel was secured. Of
this number six were put on their
voir dire.

The State asked that three be put
on their voir dire and the defence
challenged in like manner three.
Those who were put on the voir dire
were asked the statutory questions by
Judge Memminger.

The stringency of the voir dire of
the jurymen was added to when the
defence requested that the question
be asked whether or not the juror
had said that he would like to see
those connected with the dispensary
convicted. The question was in ad-
dition to the usual statutory ques-
tions in such cases. Judge Memmin-
ger asked the questions himself.

Four of those who were subjected
to this examination were rejected,
three by the defence, although all
answered the questions in a manner
indicating that there was no bias.

E. Powell, of this city, a grocer,
was the first juror called, and he was
accepted by both sides. F. L. Le-
grand, farmer, was also selected with-
out question. H. S. Fox, a merchant
tailor of this city, was rejected by the
State after being put on his voir dire.
H. H. Frost, a dispensary clerk, was
put on his voir dire and accepted.

The following were accepted with-
out question by both sides: F. N.
Jones, an electrician; W. L. Caugh-
man, a livery man; G. H. Spirex, a
mill employee; L. H. Hornsby, a far-
mer; H. S. Cockran, a farmer; D. T.
Sharp, a farmer; J. H. Shannon, far-
mer, and H. W. Desportes, hotel clerk.
John Brazelle was accepted after voir
dire.

Those also rejected were: B. A.
Rawl, R. R. Wood, L. L. Taylor, W.
F. Muller, B. H. Wilson.

The jury as empanelled is W. L.
Caughman, foreman; S. E. Powell, E.
H. Legrand, H. H. Frost, F. N. Jones,
G. H. Spirex, J. C. Brazelle, L. H.
Hornsby, H. S. Cockran, D. T.
Sharp, J. H. Shannon and H. W.
Desportes.

Tonight the jury is locked in rooms
at Wright's Hotel. Judge Memmin-
ger announced at the closing hour
that he deemed it best, owing to the
importance of the case, to have the
jury secluded during the course of
the trial in this manner.

Two deputies were immediately
sworn in and the jurors were taken
to the hotel. They will have every
comfort during the time they are oc-
cupied with this case. Judge Mem-
minger cautioned the jurors against
speaking to any one about the case
or allowing anyone to discuss the
matter with them. Every precaution
will be taken and the jury will be
guarded from the outside world.

Following the empanelling of the
jury, Attorney Stevenson, at the re-
quest of Judge Memminger, explain-
ed the indictment against the defend-

ant. This was done after the indict-
ment had been read by Solicitor Cobb
and was for the purpose of making
clear to the jury the nature of the
charge, inasmuch as the cumbersome
verbiage of the indictment might not
have been perfectly clear to the lay-
men on the panel.

There was the most intense interest
in the move of the State. The short
time consumed in the empanelling of
the jury brought every one in the
court room face to face with the fact
that the case was about to be tried.
The defendant, James S. Farnum,
was in the court room, seated near
his attorney, just back of Messrs.
Nelson, Cochran and Hammond, who
are conducting for him the active de-
fence. Mr. Farnum appeared to be
in the best of spirits during the pro-
gress of the preliminary work of the
trial, and this afternoon exhibited
much interest when the jurors were
being selected, and later when the
first two witnesses for the State were
put on the stand.

Attorney B. L. Abney, for the State,
stirred up the defence when he read
a notice which, he said, had been
sent to the defendant to produce cer-
tain papers. The papers included a
draft for \$1,575 to Henry Samuels,
through a local Charleston bank; a
draft, dated Sept. 15, 1906, on the
Consumers' Beer Bottling Establish-
ment, to Henry Samuels, for \$1,125;
a draft to B. M. Wilson for \$1,500,
dated December 14, 1906; one to H.
Samuels, dated October 9, 1906, for
\$300; another to Samuels, for \$883,
dated November 14, 1906. Mr. Ab-
ney also stated that two men, K. H.
Wilkins and A. S. Kulinski, had been
ordered to appear and bring certain
documents. He called upon the de-
fence to state whether the order had
been complied with, or what response
they had to make.

This statement brought Mr. Coch-
ran, of counsel for the defence, to his
feet. He stated that Mr. Abney had
read a notice in which certain papers
were to be produced, and that the
defence was to make response there-
to. "Our constitutional right in this
case has been violated," exclaimed
Mr. Cochran. "Counsel has followed
the wrong practice, and he has vitiated
his whole case by this action." Mr.
Cochran claimed that the defendant
would be damaged by the statements
made by Mr. Abney in that the jury
was present, and the conclusion
might be drawn that the defence, if
it did not produce the documents,
could not produce them, and that in
this way the defence would be in-
jured, which was not in accordance
with the established rules of prac-
tice.

Judge Memminger indicated that a
new trial might be granted in a case
where comments were made in a
manner that might prejudice the de-
fendant's right with the jury, but
Mr. Abney disclaimed any intention
of commenting upon the notice, and
stated that he could show authority
for the action taken in reading the
notice, and calling upon the defence
to produce what the notice called
for, or say they would not, so that
secondary evidence might be brought
in. Col. Nelson stated that attorneys
for the defence had every reason to
suppose that this would be done, and
he insisted that if the matter were to
be taken up that the jury should be
excluded.

Gen. Lyon then entered the frag-
ment. He stated that he had understood Mr.
Hagood to ask what the paper was
that Mr. Abney was reading, and that
counsel had been led into the trap,
while the defence knew full well
what the document was and that no
constitutional right had been infringed.

In the meantime the two witnesses
for the State, Messrs. Kulinski and
Wilkins, were standing within the
railing about to be questioned by the
attorney for the State. But the mat-
ter was halted when Judge Memmin-
ger announced that the question
would be reserved, the defence hav-
ing interposed objection to the wit-
nesses being examined in open court
as to whether or not they had
brought the papers. Judge Memmin-
ger told them that they would be in
contempt of court if orders had not
been complied with.

Mr. Abney stated that he could
show that he had not stepped outside
the bounds of correct practice, and
this matter will probably come up
later.

Mr. Abney asked that witnesses be
excluded from the court house except
when called upon to testify, and this
request was granted. Here arose an-
other small sized clash of the attor-
neys. It was required that both sides
write out the names of witnesses
and hand them to the sheriff and all
witnesses would be excluded until
each was called. The State made up
its list, but the defence announced

that it had no witnesses in the court
room, and if it had any tomorrow
would exclude them. Mr. Abney arose
and was objecting when Judge Mem-
minger, with a slight show of irrita-
tion, said: "This case is not going to
be conducted as a game of chance or
skill of attorneys. I am going to go
about the matter according to the
law." He then stated that he would
allow the defence to produce the list
of witnesses later as it secured them.
This ended that matter except that
Mr. Abney remarked that he wanted
to know where the witnesses were
when called. Judge Memminger said
he would rely upon counsel for this.

The State's list of witnesses include
W. D. Roy, W. J. Murray, J. B. Wy-
lie, J. A. B. Schmidt, G. H. Charles,
H. Wilkins, A. S. Kulinski and oth-
ers.

J. L. Thorpe, of Aiken, formerly
chief bookkeeper in the dispensary,
in 1906, was the first witness called
by the State.

The examination was by Mr. Ab-
ney. Mr. Thorpe's testimony was en-
tirely as to the identification of cer-
tain books of record that the State
indicated would be used later on in
the trial of the case. The defence
interposed objection to the books be-
ing admitted, as it was alleged the
proper witness was not present to
testify, but they were finally intro-
duced without reference to the con-
tents except that the writing was
identified by questions from the coun-
sel for the defence. During the ex-
amination of the witness counsel on
both sides stood close to the witness
and the books were closely examined.

The dusty volumes of the old State
dispensary that have been hauled
about so much are expected to play
quite a part in the dispensary cases.
When court adjourned this evening
the books were ordered locked up in
the clerk's office and not to be ex-
amined except by counsel. Mr.
Thorpe was not cross-examined fur-
ther by the defence, as he will prob-
ably be recalled later.

Robert Gage, cashier of the Com-
mercial Bank, of Chester, was put on
the stand by the State, and made a
good witness. He recalled cashing a
draft on September 15, 1906, for
Henry Samuels. The ledger showing
the transaction was produced, and af-
ter objection by defence that ground
had not been laid for introduction of
secondary evidence, Mr. Gage was al-
lowed to testify to what he knew.
He stated that he gave Mr. Samuels
\$1,125 for the draft.

"What did Mr. Samuels do with
it?" asked Mr. Abney.

"He gave part of it to Mr. Wylie."

"How do you know that?"

"Out of idle curiosity, I marked a
\$100 bill, the lower bill of the \$100
bills I gave him." The package I got
from the safe contained ten hundred
dollar bills. I had a red pen behind
my ear. I marked the lower bill.
That afternoon or the following day,
Mr. Wylie deposited \$1,120 with me.
The marked bill was in the number."

Mr. Gage was asked what made
him take this course, and he replied
that he had had an argument about
the matter, and that he thought Mr.
Wylie was getting something, but
this testimony was ruled out. Court
will reconvene at 9:30 o'clock tomor-
row morning.

TWO DEFEATS FOR DEFENCE.

Columbia, Sept. 21.—With the
overruling of the defendant's demur-
rer in the Farnum case this morning,
and with the refusal of Judge Mem-
minger to quash the second and third
counts of the indictment, the pre-
liminary skirmish in the first of the
alleged graft cases was concluded and
the real battle reached. Fighting
inch by inch, attorneys for the de-
fence attacked the indictments under
which James S. Farnum, of Charle-
ston, is charged with bribery in con-
nection with the dealings with the
State dispensary board. The State
put up a vigorous defence of the in-
dictments as drawn, and won its sec-
ond victory of the trial, although
Judge Memminger declared that he
was convinced that there was consid-
erable weight in the position taken
by Farnum's attorneys.

There were two main propositions
before the court today in the consid-
eration of the indictments. The first,
in brief, was the contention of the de-
fence that the second and third
counts in the indictments against
Farnum should be quashed because
the allegation is not included that
the same is against the form of the
statute. Upon this point the State
showed that the offence was a com-
mon one, and that the statute upon
which the bribery charge is brought
in first count does not include all
forms of bribery.

The demurrer set out several
grounds upon which the indictments
as to the various counts were alleged

to be fatally defective. In general
the grounds were that it could not be
told in at least two of the counts—
the second and third—whether Far-
num or Wylie was the State official
referred to in that the wording of
the indictment was defective; that in
the counts that are based upon the
statute the charge cannot be brought
against a member of the board, in
that the Constitution and the Code
names who are executive officers and
the statute on bribery states that the
crime shall be confined to legislative,
executive and judicial officers. Upon
this point the State's contention that
the members of the board of control
of the dispensary were executive of-
ficers was upheld by Judge Memmin-
ger; that the indictment did not al-
lege with sufficient certainty the
crime charged, so as to give the de-
fendant the benefit of a plea at bar
was another contention in the demur-
rer. This part of the defence's conten-
tion caused a great deal of discussion
and numerous citations were given
on both sides.

Columbia, Sept. 23.—Joe B. Wylie
of Chester went on the witness stand
yesterday afternoon in the case of the
State against J. S. Farnum, charged
with giving a bribe. There was nothing
sensational in Wylie's testimony, as
he was used during the entire af-
ternoon to identify records and books
of original entry at the State dispen-
sary, where he was a member of the
last board of directors. Mr. Wylie's
testimony as it applies to this particu-
lar indictment will be taken today,
and sensational developments are ex-
pected.

There was nothing especially excit-
ing in the entire day yesterday, but
the prosecution made great headway.
Every foot of ground was stubbornly
contested, and even at times when
Judge Memminger seemed disposed to
rule in favor of the defence, he would
be dissuaded by the logic of the argu-
ments of the attorneys for the State
of South Carolina.

In this particular the argument of
Mr. W. F. Stevenson on a particular
matter was the feature yesterday, al-
though the sustained effort of Mr. B.
L. Abney was very strong throughout.
He continued the examination of the
witnesses and the refuting of motions
from the defence, except in one or
two instances when Mr. Stevenson
took the witnesses. Mr. Abney is
very much indisposed, as is Attorney
General Lyon, who is beginning to
show the wear and tear of the long
fight to secure such evidence as would
run the gauntlet of the courts where
everything appears to be in favor of
the accused.

Mr. Cochran of counsel for Farnum
has been making a strong fight, and
has conducted that part of the de-
fence with great skill, but Judge
Memminger has found the weight of
authorities cited to be in favor of the
prosecution. Mr. Cochran is the Uni-
ted States district attorney for South
Carolina and is more familiar with
the rules and practice of the federal
courts, but has been making a clever
and determined fight for his client. It
may be that the defence has been
weakened by offering such resistance,
but the opposition has been cleverly
handled.

Up to yesterday morning but two
witnesses had been sworn—J. L.
Thorpe, the head bookkeeper at the
State dispensary, and Robert J. Gage,
cashier of the Commercial bank of
Chester. Mr. Thorpe testified as to
no facts, but merely identified books
of record. Mr. Gage testified that he
had cashed for Henry Samuels a
draft for \$1,125 and that the day fol-
lowing Joe B. Wylie had deposited
some of the same money in his bank,
to the amount of \$1,020. By whom
this draft was drawn was not brought
out at the time, but after a fight of
several hours Mr. Abney was able to
get it in evidence yesterday that the
draft was drawn by J. S. Farnum on
his own concern, the Consumers' Beer
Bottling establishment of Charleston,
and that Henry Samuels was to re-
ceive the money.

The witnesses examined yesterday
were Robert J. Gage and Butler T.
Woods of Chester, who were on the
stand more than once. Herman Wil-
ken and A. S. Kulinski of Farnum's
office in Charleston, G. M. Berry,
cashier, and J. E. Matthews and H.
D. Muller, bookkeepers of the Nation-
al Loan and Exchange bank of
Columbia, and Joe B. Wylie, who was
in the midst of his examination when
court took a recess last night.

Hard Task of Prosecution.

To the average layman, it might ap-
pear that all that is necessary in a
bribery case is to prove that one man
offered some money and that another
took it, but this case is so involved
that it was necessary to prove about
1,000 other things before this could
be touched upon. Moreover, the

GULF STORM MOVING NORTH.

WAS CENTRAL LAST NIGHT IN
MISSISSIPPI.

Dome of New State Capitol at Jack-
son Wrecked and Old One Unroof-
ed—Fury of the Hurricane Unabated—Great Damage Done in New
Orleans—Shipping Suffered Se-
verely.

New Orleans, Sept. 22.—Central
last night in Mississippi and sweeping
north at the rate of two hundred
miles a day, the hurricane which de-
vasted the Gulf coast and left a trail
of wreck and ruin through four
States, continued on its course with
unabated fury. Of the ruin that it
has wrought, no one can give an es-
timate. In New Orleans alone five
are known to be dead and a million
dollars will not repair the damage to
the beautiful Crescent City. It is said
that the plate glass alone will cost
\$100,000 to replace.

From the little and aristocratic
summer colonies on the Louisiana and
Mississippi Gulf coast come vague
tales of frightful devastation and
fears that many lives have been lost.
The wealthy summer tourists, who
own pleasure crafts are wont to spend
much time upon them, and it is pos-
sible that many have been lost. Bil-
oxi, the Mecca of the wealthy, is still
isolated, and what its fate is still
clouded in mystery. Jackson, Miss.,
the Capitol of the State, is cut off to
coast points.

The dome of the new Capitol at
Jackson was wrecked and the old
Capitol unroofed. The streets were
a tangle of live wires, and the fallen
trees and debris made the highways
impassable.

At Vicksburg two vessels were
sunk and a third was driven
ashore. Their passengers were res-
cued. One vessel lies across the
channel and has blocked navigation.

In the pretty harbor of Pascagoula
and Bay St. Louis, many ships are
empty and the torn moorings tell of
the fury of the wind and wave.

Bath houses, pavilions, yacht slips
and pleasure resorts that were night-
ly brilliantly illuminated and the
rendezvous for those who sought re-
laxation and amusement upon the
famous Gulf coast are washed away
and not a timber remains to mark
their locations. And the story in its
hideous entirety has not yet been
completed.

The only route of message to New
Orleans yesterday and last night was
by an improvised service via Hatties-
burg, arranged by the Associated
Press, which organization has secured
a telephone line into New Orleans
and was able to relay by telegraph to
Atlanta.

Heavy Casualty List.

New Orleans, Sept. 22.—It was im-
possible this morning to estimate the
loss of life in Terrebonne parish, and
it is probable that restoration of com-
munication with other parts of Louisi-
ana may bring knowledge of further
casualties. It is impossible to give a
correct estimate of the property lost
as reports of damage are coming in
hourly. Many towns suffered from
the storm and numerous plan-
tations suffered its destructive ef-
fects. The cane and cotton crops of
Louisiana sustained serious damage.

The residence of Oscar Thibodeau-
aux, at Grand Point, La., was destr-
oyed and the fate of his wife and chil-
dren is not known.

Many towns of Louisiana sustained
great property loss. In Baton Rouge
and its vicinity the damage will ex-
ceed \$2,000,000. The State capitol is
unroofed and a considerable part of
the building flooded.

Tidings from Grand Island, La.,
where it is feared great damage has
been done with possible loss of life,
are still lacking. Relief expeditions,
which left for the island yesterday
have not returned. Grand Isle in for-
mer storms has been a heavy suffer-
er.

Definite news from Terrebonne pa-
rish is awaited.

prosecution has had to move cautious-
ly—in fact, almost secretly in order
that its witnesses might not be af-
fected by or from any cause whatever,
for the majority of the witnesses are
"unwilling" and testify under stress,
and would be glad of a chance to
avoid the embarrassment thereof.
Two hours were spent yesterday af-
ternoon in showing that the houses
which Farnum represented had put
in bids as required by law, that they
had received orders and that the
whisky had been shipped to the
State dispensary. All this was tedious
and apparently without due cause, but
the prosecution must establish every-
thing set out in the indictment.